

Draft Environmental Assessment

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Construction of an Irrigation Well and the Repair of an Existing Irrigation Pond on the Washoe Stewart Ranch



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Regional Office
Sacramento, CA

November 2009

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitment to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.



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List of Acronyms, Abbreviations, and Definition of Terms

APE	Area of Potential Effect
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
FWCA	Fish and Wildlife Coordination Act
ITA	Indian Trust Assets
NRHP	National Register of Historic Places
Ranch	Stewart Ranch
Reclamation	Bureau of Reclamation
THPO	Tribal Historic Preservation Office
Tribe	Washoe Tribe
USFWS	US Fish and Wildlife Service
WEPD	Washoe Environmental Protection Department

Section 1 Purpose and Need for Action

1.1 Introduction

House Resolution 5081 (also known as the Washoe Bill) was signed into law by President Reagan on October 6, 1982, becoming Public Law 97-288. This legislation states *“that (a) subject to the provisions of subsection (b), all right, title and interest of the United States in the following lands (including all improvements thereon and appurtenances thereto, particularly all water rights appurtenances thereto, which are presently administered by the Bureau of Indian Affairs of the Department of the Interior) are hereby declared to be held by the United States in trust for the benefit and use of the Washoe Tribe of Nevada and California and are hereby declared to be part of the Washoe Indian Reservation.”*

The Washoe Tribe (Tribe) of Nevada and California have the four following federally recognized communities, three in Nevada and one in California: Stewart, Carson, Dresslerville, and Woodfords. The Tribe also owns several other non-contiguous parcels including the Stewart Ranch (Ranch).

The Ranch is comprised of portions of seven sections located in northern Carson Valley. Carson Valley is at the eastern base of the Sierra Nevada and straddles the California-Nevada state line in northern Alpine County, California and Douglas County, Nevada. Immediately to the north and west of the Ranch is Forest Service land while private landowners abut the remainder of the boundaries (Figure 1).

The Ranch consists of arable land conveyed to the Tribe in 1982 for agricultural and economic development. In the first several years of operation, the Tribe was able to rely on artesian wells and flows from the Carson River to provide sufficient water for cultivation of crops. Unfortunately, since that time there has been intense development on surrounding lands which have resulted in lower flows in the Carson River and the disappearance of the artesian wells.

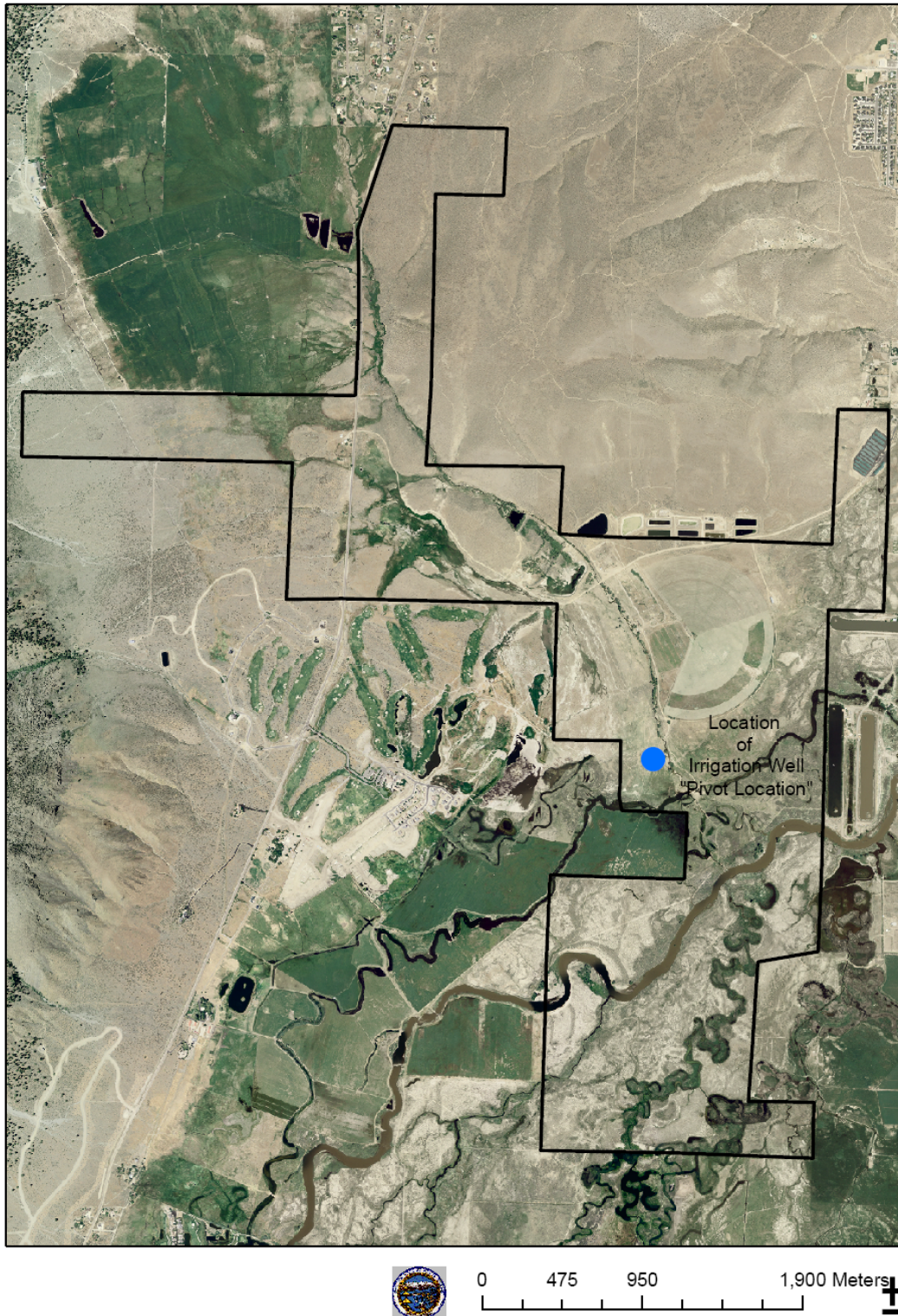
Currently the Ranch relies entirely on surface water for irrigation which has been significantly impacted by the low flows in the Carson River and the disappearance of the artesian wells. The Ranch used to get three cuts of alfalfa a season and now is only able to produce two cuts in a good year. This has depleted the Ranch's income. At this production level, what once was a major contributor to the Tribe's economic development is no longer self sustaining.

When the Ranch lands were transferred to the Tribe, the water rights were also transferred. This is an enormous asset for the Ranch since the use of groundwater is a Tribal right supported by the Winters Doctrine of 1908. Reclamation would provide funding to the Tribe to drill a supplemental groundwater well and repair an irrigation

pond on the Ranch to provide a supplemental source of water to the Tribe to enable them to bring their agricultural production back to historical levels on the Ranch.

Washoe Tribe Irrigation on Stewart Ranch
Project Location Map

Washoe Tribe of NV and CA
Environmental Protection Department
GIS: J. Johnson
March 2009



This data has been compiled on a geographic information system for the use of Washoe Tribe Environmental. The data does not represent survey delineation and should not be construed as a replacement for the authoritative source. The Washoe Tribe assumes no liability as to the sufficiency or accuracy of this data.

1.2 Purpose and Need

The purpose of the Proposed Action is to provide a supplemental source of water to the Tribe to enable them to bring their agricultural production back to historical levels on the Ranch. Intense development on surrounding lands has resulted in lower flows in the Carson River and the disappearance of the artesian wells once used for agriculture. The Tribe is in need of an additional source of water, which they hold a reserved water right, to support their historical agricultural production.

1.3 Potential Resource Issues

The resource areas listed below have the potential to be affected by the Proposed Action and are discussed in Sections 3.1 through 3.8.

- Surface Water Resources
- Groundwater Resources
- Land Use
- Biological Resources
- Cultural Resources
- Indian Trust Assets
- Environmental Justice
- Climate Change

1.4 Resources Not Analyzed in Detail

Based on review of the Proposed Action it was determined that the Proposed Action would not impact the following resources; water quality, fisheries, recreation, air quality, geology and soils, visual, transportation, noise, hazards and hazardous materials, and socioeconomics. Hence, impacts to these resources are not analyzed in this EA.

Section 2 Alternatives Including Proposed Action

2.1 Alternative A – No Action

The No Action Alternative includes not drilling a supplemental groundwater well or repairing the existing irrigation pond and continued reliance on surface water from the Carson River for the Tribe's agricultural production. Under this alternative the Tribe would continue with their current agricultural practices, which are not sufficient for the Tribe's economic development.

2.2 Alternative B - Proposed Action

The Proposed Action would include American Recovery and Reinvestment Act (ARRA) funding by Reclamation to drill a supplemental groundwater well at the Pivot location on the Ranch which is adjacent to existing infrastructure and power connections. Developing the irrigation well would include construction of the well (approximately 300 feet deep), new electrical infrastructure to the pump and the connection of the pivot, pipes, hoses and heads (Figure 2). The Proposed Action would also include funding for the repair of the irrigation pond located on the established Ranch. Repairing the irrigation pond would include re-engineering the front of the dike, moving the dirt and installing a new pump.



Figure 2 Proposed Well Location

2.3 Alternatives Considered but Eliminated from Detailed Analysis

Two sites were evaluated as possible locations for the development of the irrigation well: (1) the Pivot location, and (2) the Foothill location. The Foothill location is adjacent to two separate possible contamination sources and is not located near existing power hookups. The Foothill location is also at a higher elevation which would make it more expensive and difficult to locate a well at the site. The Foothill location was omitted as a possible irrigation well site.

Section 3 Affected Environment & Environmental Consequences

The Ranch totals 2,098.36 acres and is comprised of portions of seven sections located in northern Carson Valley and Jacks Valley. Immediately to the north and west of the Ranch is Forest Service land while private landowners abut the remainder of the boundaries. Carson Valley and Jacks Valley are at the eastern base of the Sierra Nevada and straddle the California-Nevada state line.

The elevation ranges from 4,650 feet along the Carson River up to 5,400 feet in the upper northwestern portion of the parcel, where the boundary stops at the bottom of the Carson Range of the Nevada Mountains. Average annual precipitation in the basin ranges from 8 to 40 inches, increasing from north to south. The average daily maximum temperature in July is 90° F, and average daily minimum temperature in January is 18° F.

On the Ranch, 215 acres, or 10%, is being developed for, or already is in use as cropland. The remaining 90% is undeveloped and is nominally used as grazing land.

3.1 Surface Water Resources

Affected Environment

Surface water resources on the Ranch include the Carson River, Jacks Valley Creek, a slough that branches off from the Carson River, and a few ponds. The Carson River is the largest drainage basin within Douglas County. All precipitation within this basin drains to the Carson River. The river flows from south to north towards Carson City in two forks, East and West, which join in the middle of the Carson Valley.

The Carson River floodplain covers much of the Ranch Parcel. The Carson River flows through the southern portion of the parcel, making flooding events fairly common. The Northwestern portion of the ranch contains Jacks Creek; this waterway has the potential to cause flooding on the ranch. The Federal Emergency Management Agency (FEMA) flood map depicts the creek area as being in a 100-year flood plain. Irrigation ditches and natural wetlands occur on the parcel and have the potential to impact the parcel in high precipitation years. There are no designated wetlands in the Proposed Action area.

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would continue their reliance on surface water from the Carson River for the Tribe's agricultural production. Under the No Action Alternative, surface water use would not increase or decrease and, therefore, would have no impacts to surface water.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. The Proposed Action would not increase or decrease surface water in the project area and, therefore, would not result in short-term or long-term adverse impacts to surface water or the resources dependent on surface water.

Cumulative Effects

The Proposed Action would not contribute to surface water increases or decreases and therefore; would not contribute to cumulative effects to surface water resources.

3.2 Groundwater Resources

Affected Environment

The Ranch is located in Carson Valley groundwater basin number 6-6. Elevations within the basin range from 1,500 feet in the valley to above 9,000 feet at the headwaters of the Carson River. The principal source of groundwater in the Carson Valley basin is from basin-fill deposits. Unconsolidated deposits beneath the basin, which range from clay to boulders, are present in thickness as great as 5,000 feet. Division of Mines and Geology map, Walker Lake Sheet, indicate alluvium in the northwestern and Diamond Valley portions of the basin. The southeastern portion and the southern apex of the basin are primarily Pliocene volcanics and Pleistocene nonmarine. Most water wells drilled in the basin are completed in basin-fill deposits. No published groundwater data was found for the Carson Valley Basin.

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond, and would continue their reliance on surface water from the Carson River for the Tribe's agricultural production. Under the No Action Alternative, the Tribe would carry on with current practices and no additional groundwater resources would be affected.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. To meet historical agriculture levels of three cuts of alfalfa per growing season, groundwater would be pumped from the pivot starting mid April and continuing through mid October (growing season). A complete rotation on the pivot takes 24hrs and depending on weather conditions water would be applied between 5 to 7 days after each rotation at 1,100 gallons per minute or less. No published groundwater data was found for the Carson Valley Basin though during the construction of the well water quality would be assessed. The irrigation well design would take into consideration the stratigraphic layers from the drilling samples and the placement of the screening in the well casing would be distributed at different levels to minimize the stress to the aquifer. In addition, the well would be managed to ensure water use efficiency and water conservation, therefore; the

Proposed Action would not result in short-term or long-term adverse impacts to groundwater resources.

Cumulative Effects

The Proposed Action would not result in adverse impacts to groundwater resources and due to the fact that at this time there are no additional projects planned on the Ranch the Proposed Action would not contribute to cumulative impacts to groundwater resources.

3.3 Land use

Affected Environment

The Ranch is located in designated agricultural lands. On the Ranch, 215 acres, or 10%, is being developed for, or already is in use as cropland. The remaining 90% is undeveloped and nominally uses as grazing land. A majority of the land is well-suited for agriculture, as 60 percent of the ranch is within the Carson River's 100-year flood-plain.

The elevation ranges from 4,650 feet along the Carson River up to 5,400 feet in the upper northwestern portion of the parcel, where the boundary stops at the bottom of the Carson Range of the Nevada Mountains.

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would continue their current land use practices.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. The historical amount of 115 acres of the Tribe's land would be utilized for alfalfa production. The Proposed Action area has previously been disturbed and is within designated agricultural lands; therefore, the action would not be changing the historic land use or effect the floodplain. In fact, the Proposed Action is within designated agricultural lands and would result in long-term improvements to the productivity of agricultural lands.

The Proposed Action area is in compliance with the Washoe Integrated Resource Management Plan and the Interim Development Planning System.

Cumulative Effects

The Proposed Action is located in designated agricultural lands that have previously been utilized for agricultural purposes. Hence, the Proposed Action would not contribute to cumulative impacts on land use.

3.4 Biological Resources

Affected Environment

A species list was requested on March 10, 2009 and provided on March 24, 2009 from the Nevada Fish and Wildlife Office pursuant to section 7(c) of the Endangered Species Act of 1973 (Act). To the best of their knowledge there are no listed, proposed, or species of concern in the project area. The Washoe Environmental Protection Department conducted a site assessment of the area and found no federally listed endangered or threatened species. Wildlife habitats and migration corridors have previously been disturbed by agricultural activities in the project area resulting in unsuitable habitat for wildlife species. Other non-listed species that could occur in the surrounding area include: mule deer (*Odocoileus hemionus*), bob cat (*Lynx rufus*), mountain lion (*Puma concolor*), jack rabbit (*Lepus californicus*), cotton tail (*Sylvilagus audubonii*), American badger (*Taxidea taxus*), red-tailed hawk (*Buteo jamaicensis*), rough-legged hawk (*Buteo lagopus*), cooper's hawk (*Accipiter cooperii*), American kestrel (*Falco sparverius*), Canada goose (*Branta Canadensis*), cattle egret (*Bubulcus ibis*), great blue heron (*Ardea Herodias*), snowy egret (*Egretta thula*), bald eagle (*Haliaeetus leucocephalus*), great horned owl (*Bubo virginianus*), western screech owl (*Otus kennicottii*) and California quail (*Callipepla californica*).

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would continue their current land use practices resulting in no adverse impacts to biological resources.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. A portion of the Tribe's land would be utilized for agricultural production at historical levels. The Proposed Action area has previously been disturbed and is within designated agricultural lands; therefore, the action would not be changing the historic land use practices on the Ranch. The biological resources have been surveyed by USFWS (Appendix A) which resulted in no federally listed, proposed or candidate species in the project area and; therefore, there would be no short-term or long-term effect to federally listed, proposed, or species of concern or critical habitat as a result of this action.

Due to the Proposed Action area being previously disturbed, no wilderness designations or unique ecosystem, biological community or its inhabitants are expected to be impacted by the project.

Cumulative Effects

The Proposed Action would not result in adverse impacts to biological resources and due to the fact that at this time there are no additional projects planned on the Ranch the Proposed Action would not contribute to cumulative impacts to biological resources.

3.5 Cultural Resources

Affected Environment

Cultural resources is a term used to describe both ‘archaeological sites’ depicting evidence of past human use of the landscape and the ‘built environment’ which is represented in structures such as dams, roadways, and buildings. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government’s responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking listed on cultural resources on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action that has the potential to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Officer, where applicable, to seek concurrence on Reclamation’s findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a groundwater well or repair an existing irrigation pond and would continue their current land use practices resulting in no adverse impacts to cultural or archaeological resources, or sacred sites.

Proposed Action

An archaeological reconnaissance level inspection was conducted for the area of potential effect (APE) for the Proposed Action. This inspection revealed that one archaeological site is located within the APE for the proposed irrigation pond repair. Reclamation assumes that this cultural resource is eligible for inclusion to the National Register of Historic Places and has arrived at a finding of no adverse effect to historic properties for this undertaking. The Tribal Historic Preservation Officer has been consulted, and concurs with Reclamation’s findings (Appendix A).” The Proposed Action would have no adverse effect on historic properties.

If cultural or archaeological resources are encountered during site construction or drilling activities, work would stop and the Reclamation Regional Archaeologist would be notified immediately.

Cumulative Effects

The Proposed Action would not result in adverse impacts to cultural resources and, therefore, would not contribute to cumulative impacts to cultural resources.

3.6 Indian Trust Assets

Affected Environment

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individuals. Trust status originates from rights imparted by treaties, statutes, or executive orders. These rights are reserved for, or granted to, tribes. A defining characteristic of an ITA is that such assets cannot be sold, leased, or otherwise alienated without Federal approval.

Indian reservations, rancherias, and allotments are common ITAs. Allotments can occur both within and outside of reservation boundaries and are parcels of land where title is held in trust for specific individuals. Additionally, ITAs include the right to access certain traditional use areas and perform certain traditional activities.

It is Reclamation policy to protect ITAs from adverse impacts resulting from its' programs and activities whenever possible. Types of actions that could affect ITAs include an interference with the exercise of a reserved water right, degradation of water quality where there is a water right or noise near a land asset where it adversely affects uses of the reserved land.

Environmental Consequences

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would continue their current land use practices resulting in no adverse impacts to ITAs.

Proposed Action

Under the Proposed Action Alternative, the Tribe would drill a supplemental groundwater well and repair the existing irrigation pond for irrigation purposes on the Ranch. The Proposed Action would not adversely affect ITAs. In fact, the Proposed Action would enable the Tribe to exercise its reserved water right and therefore; provide a benefit to the Tribe and their ITAs. ITAs would not be adversely impacted by the Proposed Action.

Cumulative Effects

The Proposed Action would not result in adverse impacts to ITAs and, therefore, would not contribute to cumulative impacts to ITAs.

3.7 Environmental Justice

Affected Environment

Executive Order 12898 requires each Federal agency to achieve environmental justice as part of its mission, by identifying and addressing disproportionately high adverse human health or environmental effects, including social and economic effects, of its programs and activities on minority populations and low-income populations of the United States.

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would continue their current land use practices resulting in no adverse impacts to environmental justice.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. In fact, the Proposed Action would address existing negative effects upon a minority population and improve the standard of living by providing employment opportunities and additional revenue from the increase of agricultural production on the Ranch. The Proposed Action would not cause environmental justice issues.

Cumulative Effects

As the Proposed Action does not have the potential to cause adverse impacts to economically disadvantaged or minority populations, and in fact would actually benefit the Tribe by providing additional revenue from the increase of agricultural production on the Ranch, the Proposed Action could potentially result in cumulative benefits for the Tribe.

3.8 Global Climate Change

Affected Environment

The United Nations Intergovernmental Panel on Climate Change predicts that changes in the earth's climate will continue through the 21st century and that the rate of change may increase significantly in the future because of human activity. Many researchers studying California's climate believe that changes in the earth's climate have already affected California and will continue to do so in the future. Climate change may seriously affect the State's water resources. Temperature increases could affect water demand and aquatic ecosystems. Changes in the timing and amount of precipitation and runoff could occur.

Climate change is identified in the 2005 update of the California Water Plan (Bulletin 160-05) as a key consideration in planning for the State's future water management. The 2005 Water Plan update qualitatively describes the effects that climate change may have on the State's water supply. It also describes efforts that should be taken to quantitatively evaluate climate change effects for the next Water Plan update.

No Action

Under the No Action Alternative, the Tribe would not drill a supplemental groundwater well or repair the existing irrigation pond and would have no effect on climate change.

Proposed Action

Under the Proposed Action, the Tribe would drill a groundwater well and repair an existing irrigation pond for irrigation purposes on the Ranch. The Proposed Action would not include any significant change on the composition of the atmosphere and therefore would not result in adverse impacts to climate change.

Cumulative Effects

The Proposed Action would not result in adverse impacts to climate change and, therefore, would not contribute to cumulative impacts to climate change.

Section 4 Consultation and Coordination

While no impacts to endangered species or to historic/cultural resources have been indicated by the Proposed Action, consultation and coordination was conducted with the agencies and mandates considered below.

4.1 Fish and Wildlife Coordination Act (16 USC . 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. There are no listed, proposed, or species of concern in the project area. No consultation is required.

4.2 Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Reclamation determined that the Proposed Action would have no effect on federally proposed or listed threatened and endangered species or their proposed or designated critical habitat. No further consultation is required under Section 7 of the Endangered Species Act.

4.3 Migratory Bird Treaty Act (16 USC § 703 ET SEQ.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

Migratory bird surveys would be completed prior to project construction to allow the Proposed Action to be in compliance with the Migratory Bird Treaty Act.

4.4 National Historic Preservation Act (15 USC 470 et seq.)

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. Due to the nature of the Proposed Action, there would be no impacts to any historical, archaeological or cultural resources, and no further compliance actions are required.

Section 5 List of Preparers and Reviewers

Carolyn Bragg, Natural Resources Specialist, Mid-Pacific Region

Tamara Laframboise, Natural Resources Specialist, Mid-Pacific Region

Appendix A

Washoe Tribe of Nevada and California

Environmental Protection Department



March 6, 2009

U.S. Fish and Wildlife Service
Field Supervisor
1340 Financial Blvd.
Reno, NV. 89502
775-861-6300

Re: Environmental Review for Irrigation Project on the Washoe Stewart Ranch, Pond Repair and Irrigation Well

Dear FWS Field Supervisor,

In accordance with Section 106 of the National Historic Preservation Act, and the National Environmental Protection Act (NEPA), the Washoe Tribe of Nevada and California is conducting an environmental review of the lands affected by proposed construction. Endangered and threatened species, marine sanctuaries, and protection of wetlands are addressed as a part of this review. We request that your office provide a list of endangered and threatened species, and marine sanctuaries or wetlands, which may be affected by the proposed construction.

Enclosed please find location maps for the proposed project. The proposed project will include the repair of the irrigation pond located at Stewart Ranch. This will include re-engineering the front of the dike, moving the dirt and installing a new pump. The proposed project will also include the development of an irrigation well at Stewart Ranch. This will include construction of the well, new electrical infrastructure to the pump, and the connection of the pivot, pipes, hoses and heads. Two possible locations for the well will be evaluated and one site will be selected based on water access and environmental impacts.

Please send any information or comments to my attention within 30 Days from the date of this letter or at your earliest convenience. You may also reach me at (775) 265-8689 for questions or comments. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Johnson".

Jennifer Johnson
Environmental Specialist II/ GIS
775-265-8689
jennifer.johnson@washotribe.us

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United States Department of the Interior

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March 24, 2009
File No. 2009-SL-0188

Ms. Jennifer Johnson
Washoe Tribe of Nevada and California
919 Highway 395 South
Gardnerville, Nevada 89410

Dear Ms. Johnson:

Subject: Species List Request for Washoe Stewart Ranch Pond Project,
Douglas County, Nevada

This responds to your letter received on March 10, 2009, requesting a species list for the Washoe Stewart Ranch Pond Project in Douglas County, Nevada. To the best of our knowledge, no listed, proposed, or candidate species occur in the subject project area. This response fulfills the requirements of the Fish and Wildlife Service (Service) to provide a list of species pursuant to section 7(c) of the Endangered Species Act of 1973 (Act), as amended, for projects that are authorized, funded, or carried out by a Federal agency.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we are adopting Heritage's sensitive species list and partnering with them to provide distribution data and information on the conservation needs for sensitive species to agencies or project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or in serious decline. Consideration of these sensitive species and exploring management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at www.heritage.nv.gov. For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 901 South Stewart Street, Suite 5002, Carson City, Nevada 89701-5245, (775) 684-2900. Please indicate on the form that your

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MAR 27 2009

WEPD

Ms. Jennifer Johnson

File No. 2009-SL-0188

request is being obtained as part of your coordination with the Service under the Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address. Furthermore, certain species of fish and wildlife are classified as protected by the State of Nevada (see <http://www.leg.state.nv.us/NAC/NAC-503.html>). Before a person can hunt, take, or possess any parts of wildlife species classified as protected, they must first obtain the appropriate license, permit, or written authorization from the Nevada Department of Wildlife (visit <http://www.ndow.org> or call 775-688-1500).

Because wetlands, springs, or streams occur in the vicinity of the project area, we ask that you be aware of potential impacts project activities may have on these habitats. Discharge of fill material into wetlands or waters of the United States is regulated by the U.S. Army Corps of Engineers (Corps) pursuant to section 404 of the Clean Water Act of 1972, as amended. We recommend you contact the Corps' Regulatory Section, 300 Booth Street, Room 2103, Reno, Nevada 89509, (775) 784-5304, regarding the possible need for a permit.

Based on the Service's conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703 *et seq.*), we are concerned about potential impacts the proposed project may have on migratory birds in the area. Given these concerns, we recommend that any land clearing or other surface disturbance associated with proposed actions within the project area be timed to avoid potential destruction of bird nests or young, or birds that breed in the area. Such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be harmed, nor may migratory birds be killed. Therefore, we recommend land clearing be conducted outside the avian breeding season. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (*i.e.*, mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

Please reference File No. 2009-SL-0188 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact me or James Harter at (775) 861-6300.

Sincerely,



Robert D. Williams
State Supervisor

Washoe Tribe of Nevada and California

Environmental Protection Department



March 6, 2009

Darrel Cruz, THPO Coordinator
Tribal Historic Preservation Office
Washoe Tribe of NV and CA
919 Highway 395 South
Gardnerville, NV 89410

Re: Environmental Review for Irrigation on the Washoe Stewart Ranch, Pond Repair and Irrigation Well

To Darrel Cruz:

In accordance with Section 106 of the National Historic Preservation Act, and the National Environmental Protection Act (NEPA), the Washoe Tribe of Nevada and California is conducting an environmental review of the lands affected by proposed construction. Historic sites and natural landmarks are a part of this review. We request that your office provide comments on historic sites and natural landmarks, which may be affected by the proposed construction.

The proposed project will include the repair of the irrigation pond located at Stewart Ranch. This will include re-engineering the front of the dike, moving the dirt and installing a new pump. The proposed project will also include the development of an irrigation well at Stewart Ranch. This will include construction of the well, new electrical infrastructure to the pump, and the connection of the pivot, pipes, hoses and heads. Two possible locations for the well will be evaluated and one site will be selected based on water access and environmental impacts.

Enclosed is a map with the project locations for the proposed projects. Please send any comment or recommendations to me at the address listed below. Thank you for your assistance with this environmental review.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jennifer Johnson".

Jennifer Johnson
Washoe Tribe of NV and CA
Environmental Protection Department
Environmental Specialist II/ GIS
775-265-8689
jennifer.johnson@washoetribe.us

919 Highway 395 South, Gardnerville, Nevada 89410
(775) 265-4191 • (775) 883-1446 • (530) 694-2339 • FAX (775) 265-3211

Washoe Tribe of Nevada and California

Cultural Resources Office/Tribal Historic Preservation Office



March 26, 2009

Jennifer Johnson, ES-II
WEPD
919 Highway 395 South
Gardnerville, NV. 89410

RE: Pond Repair and Irrigation Well Projects at Stewart Ranch

Dear Ms. Johnson,

I have received your letter dated March 6, 2009, requesting comments to the Pond Repair and Irrigation Well Projects at Stewart Ranch projects. I have reviewed our records for that particular area and the two Well sites are not within any known archeological sites and no impacts are expected.

The Pond Repair project is within a known archeological site and the Area of Potential Effect. However, the project site has been previously disturbed during the pond development. Based upon our site visit of the project site and your description of the proposed work, I do not foresee any new impacts to the affect area.

I recommend that all activities be limited to the area of the project and marking the boundaries of the work area to keep activities out of the archeological site to avoid any impacts to the site. All staging and activities be limited to that area that you will mark. In addition a Site Monitor should be on site during any activities within this site.

If you have any questions please call me at (775) 888-0936

Thank you,

A handwritten signature in dark ink, appearing to read "Darrel Cruz".

Darrel Cruz, THPO/CRO

919 Highway 395 South, Gardnerville, Nevada 89410
Phone (775) 888-0936 • FAX (775) 888-0937

From: Barnes, Amy J
Sent: Tuesday, October 06, 2009 9:25 AM
To: Clancy, Kevin M
Cc: MPR Cultural Resources Section
Subject: New Irrigation Well and Pond Repair at Stewart Ranch (09-LBAO-196)

Tracking #09-LBAO-196

Project: New Irrigation Well and Pond Repair at Stewart Ranch

Location: Douglas County; Carson City, NV 7.5' USGS topographic quadrangle.
NE¼NW¼ of sec. 25, and the SW¼SW¼ of sec. 24, T. 14 N., R. 19 E.,
Mount Diablo Meridian

Reclamation proposes to provide American Recovery and Reinvestment Act funds to the Washoe Tribe for constructing an irrigation well and repairing an irrigation pond at Stewart Ranch, which is located Washoe Tribal lands near the community of Stewart, Nevada. This action constitutes an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The project to be funded consist of repairing the pond and constructing a new well, both sites are located on Stewart Ranch (Ranch). Repairing the irrigation pond will include re-engineering the front of the dike, moving the dirt and installing a new pump. Work will also entail developing an irrigation well on the Pivot location at the Ranch, which is adjacent to existing infrastructure and power connections. Developing the irrigation well will include construction of the well (approximately 300 feet deep), new electrical infrastructure to the pump and the connection of the pivot, pipes, hoses, and heads.

One pre-contact habitation site was identified at the location of the irrigation pond during the field inspection conducted by Darrel Cruz, Washoe Tribal Historic Preservation Officer (THPO), and Denise Morpew. Mr. Cruz noted that construction of the pond had already impacted the site and that the repairs of the pond will take place within the previously disturbed component of the site. For the purposes of this undertaking, and this undertaking only, Reclamation assumes that the site is eligible for listing on the National Register of Historic Places (NRHP) under Criterion D. This determination is based on the site's potential to contain data important to regional history and/or prehistory. Given that the project will occur within the disturbed portion of the site, Reclamation concludes that the proposed undertaking will result in no adverse effect to historic properties pursuant to 36 CFR Part 800.5(b).

As the proposed project is located on Tribal lands, Reclamation consulted with (THPO) in a letter, dated September 18, 2009, regarding this undertaking, Reclamation's assumption that the pre-contact site is eligible for inclusion on the NRHP for the purposes of this specific project, and a finding of no adverse effect to historic properties. The THPO concurred with Reclamation's determination and findings in a letter dated October 5, 2009.

As the proposed action will not result in adverse effects to historic properties, and the THPO has concurred, Reclamation's responsibilities under Section 106 of the NHPA are fulfilled.

Thank you for the opportunity to review the proposed action. Please place a copy of this concurrence and attached correspondence with each EA administrative record.